

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIDWEST ENVIRONMENTAL DEFENSE
CENTER, SIERRA CLUB,

Plaintiffs,

vs.

LISA JACKSON, in her official capacity as
Administrator of the Environmental Protection
Agency,

Defendant.

Case No.: 11-cv-5694-YGR

**ORDER SETTING BRIEFING SCHEDULE ON
SUMMARY JUDGMENT MOTIONS**

On March 12, 2012, the Court conducted a joint case management conference in the related actions of *WildEarth Guardians v. Lisa Jackson, in her official capacity as Administrator of the Environmental Protection Agency*, Northern District Case No. 11-cv-5651 YGR, and in *Midwest Environmental Defense Center and Sierra Club v. Lisa Jackson, in her official capacity as Administrator of the Environmental Protection Agency*, Northern District Case No. 11-cv-5694 YGR. Counsel James Jay Tutchton appeared telephonically for Plaintiff WildEarth Guardians. Counsel Robert Steven Ukeiley appeared telephonically for Plaintiffs Midwest Environmental Defense Center and Sierra Club (collectively, "Midwest"). Counsel Eileen Therese McDonough appeared for Lisa Jackson, in her official capacity as Administrator of the Environmental Protection Agency ("EPA").

The parties informed the Court of their intention to file cross-motions for summary judgment in these matters. At that same time, EPA informed the Court that it intended to file a motion to consolidate these cases.

As to the motion to consolidate, the Court has ordered that any such motion be filed and served no later than March 16, 2012, and that any opposition be filed and served no later than March 23, 2012. The Court intends to rule on any motion for consolidation no later than March 27, 2012, the current hearing date on the pending motions to dismiss in these cases.

Regardless of whether the actions are consolidated, the Court finds that it is appropriate to set a joint briefing schedule in these two cases as the issues appear to overlap substantially, if not completely.

As to the motions for summary judgment, the Court sets the following joint briefing schedule:

(1) Plaintiffs' Motion for Summary Judgment shall be filed and served no later than April 13, 2012. All plaintiffs (in both actions) may file a single, joint brief of no more than 30 pages.

(2) Defendant's opposition to plaintiffs' joint motion, and its cross-motion for summary judgment against all plaintiffs, in both actions, shall be made in a single brief of no more than 30 pages, to be filed and served no later than May 4, 2012.

(3) Plaintiffs' reply on its motion and opposition to Defendants' cross-motion shall be made in a single brief of no more than 20 pages, to be filed and served no later than May 18, 2012.


(4) No additional briefing shall be filed unless requested by further order of the Court.

Hearing on the motions shall be set for June 5, 2012, at 2:00 p.m.

The parties are directed to comply with this Court's Standing Order in Civil Cases, paragraph 9(c), regarding separate statements, including the requirement that counsel sign an attestation that the evidence cited therein fairly and accurately supports or disputes the facts asserted. The Court has waived the requirement of a pre-filing conference in paragraph 9(a).

IT IS SO ORDERED.

March 16, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE